

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ELIZABETH HORTON**

**Plaintiff,**

**v.**

**DON WILLIAMS, individually and in his  
capacity as the Manager of National  
Seating and Mobility, Inc., NATIONAL  
SEATING AND MOBILITY, INC.,  
GERALD SHOCKLEY, individually,**

**Defendants.**

**CIVIL ACTION NUMBER:  
2:06-cv-526-MHT-TFM**

**MOTION FOR LEAVE TO BE EXCUSED FROM MEDIATION**

**National Seating and Mobility, Inc.** (“NSM”) and **Don Williams** (“Williams”), two of the Defendants in this case, respectfully request leave to be excused from mediation based upon the following grounds:

1. Neither NSM nor Williams intend to pay any money to settle this matter.
2. Preparing for mediation, traveling from out of state, and attending the mediation would cause these Defendants to undergo unnecessary expense in light of their position on settlement.

3. NSM’s and William’s presence at the mediation may hinder settlement.

WHEREFORE, premises considered, NSM and Williams respectfully urge the Court to permit it to be excused from the mediation in this case.

Respectfully submitted this the 25<sup>th</sup> day of August, 2008.

/s/ Charles A. Stewart III

Charles A. Stewart III (asb-4955-a56c)  
Quindal C. Evans (EVA040)  
Bradley Arant Rose & White LLP  
The Alabama Center for Commerce  
401 Adams Avenue, Suite 780  
Montgomery, AL 36104  
Telephone: (334) 956-7700  
Facsimile: (334) 956-7701

/s/ Dorman Walker

Dorman Walker  
Kelly F. Pate  
Balch & Bingham  
P.O. Box 78  
Montgomery, AL 36101  
Telephone: (334) 369-3138  
Facsimile: (866) 736-3854

**CERTIFICATE OF SERVICE**

I hereby certify that on August 25, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Deborah M. Nickson  
Attorney for Petitioner  
2820 Fairlane Drive, Suite A-10  
Montgomery, Alabama 36116

Jack W. Wallace, Jr.  
Office of the Attorney General  
11 South Union Street  
Montgomery, AL 36130

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: None.

s/ Charles A. Stewart III  
\_\_\_\_\_  
Of Counsel